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REMARKS

This amendment is responsive to the office action dated April 15, 2004.

Claims 1-12 were pending in the application. Claims 1-12 were rejected. No claims were allowed by the Examiner.

By way of this amendment, the Applicant has amended Claims 1, 3, 7 and 9. Claims 2, 4-6, 8 and 10-12 remain unchanged.

Accordingly, Claims 1-12 are currently pending.

I. REJECTION OF CLAIMS UNDER 35 USC 102

Claims 1-6 were rejected under 35 USC 102(b), as being anticipated by US Patent No. 5,828,016 (Grannan et al.). The Examiner stated that the invention in Grannan includes a dome shaped movable contact having an outer surface, an inner surface and a peripheral edge, an insulative layer having selective voids applied to the inner surface of the contact member, a contact arm connected to the peripheral edge of the contact member and a stabilizer arm connected to the peripheral edge of the contact member and that since the Grannan device includes every element of the present invention, the present invention is fully anticipated.

The device claimed in the present invention as amended is also a dome shaped contact switch assembly. However, the present invention includes an insulator layer that is adhered to the lower surface of the dome wherein the insulator layer extends partially into and is adhered to the inner surface of the dome. This construction allows for lower tolerance requirements during the fabrication and assembly of the device while ensuring proper functioning and a reduction in defective switches. This structure can clearly be contrasted to the structure in the Grannan reference cited by the Examiner.

The specification of the present invention clearly and specifically identifies Grannan as utilizing technology that the present invention is developed to overcome. Namely, the die cut insulation layer must be brought into registration with the domes in a separate assembly step. Further the overall assembly requires the use of retaining tabs 76, 77 that are bent to hold the assembly together. All of these steps and additional components add greatly to the complexity of the assembly, the cost of the device and the time required to manufacture the device.

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The Examiner has also identified that the Grannan reference includes a contact arm 24 and a stabilizer arm 30. However, while reference 24 does indicate a first contact lead, reference 30 identifies a second contact lead that is in electrical communication with a plate extending below the insulation layer and forming a contact point centrally located beneath the dome element. Accordingly, items 24 and 30 are not even connected to the same part of the assembly, nor does item 30 serve as a stabilizer as it is an electrical contact.

Finally, the Examiner indicated that Fig. 3 of Grannan discloses that the insulative layer extends into the dome portion. A review of this figure shows that there is in fact a slight overhang of the insulative material into the dome region; however this material remains planar and is not adhered to the inner surface of the dome itself. The claims as amended require that the insulative material extend into and be adhered to the inner surface of the dome. This is an important feature because the dome contact of the present invention is a self contained, stand-alone switch contact that is placed directly onto the surface of a coin cell battery. If the insulative material did not extend into the dome, the edges of the dome may contact the surface of the battery thereby producing a defective switch. Further, if the insulative layer were not adhered fully to the dome the layer would be subject to tearing and failure.

Since the present invention recites subject matter in the claims as amended that is not disclosed in Grannan, namely an insulator layer applied to and extending into the inner surface of the dome portion of the switch (claims 1-6) and a stabilizer arm (claims 5,6) the Grannan reference cannot anticipate the present invention. Therefore, this rejection is not believed to be applicable. Reconsideration, and withdrawal of the rejection is respectfully solicited.

II. REJECTION OF CLAIMS UNDER 35 USC 103

Claims 7-12 were rejected under 35 USC 103(a) as being unpatentable over Grannan in view of US Patent No. 6,522,147 (Pickard). The Examiner has stated that although Grannan does not demonstrate the addition of an LED and a battery, Pickard discloses a circuit assembly that includes these structures and that the present invention is obvious in light of the combination of these references.

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As stated above in the comments related to Claims 1-6 in light of Grannan alone, the device claimed in the present invention as amended is also a dome shaped contact switch assembly. However, the present invention includes an insulator layer that is adhered to the lower surface of the dome wherein the insulator layer extends partially into the inner surface of the dome and wherein the layer is adhered to the inner surface of the dome itself. This construction allows for lower tolerance requirements during the fabrication and assembly of the device while ensuring proper functioning and a reduction in defective switches. This structure can clearly be contrasted to the structure in the Grannan reference cited by the Examiner.

The specification of the present invention clearly and specifically identifies Grannan as utilizing technology that the present invention is developed to overcome. Namely, the die cut insulation layer must be brought into registration with the domes in a separate assembly step. Further the overall assembly requires the use of retaining tabs 76, 77 that are bent to hold the assembly together. All of these steps and additional components add greatly to the complexity of the assembly, the cost of the device and the time required to manufacture the device.

By simply adding the Grannan structure to the Pickard structure you do not arrive at the present invention. Specifically, the combination device is still lacking in limitations provided under the disclosure of the present invention. The combined device would not include the limitation that the applied insulative layer extends on the inner surface of the dome portion of the device. Even if the cited references are combined they do not disclose the present invention and therefore cannot render the present invention as amended obvious.

Reconsideration of claims 7-12 and withdrawal of this rejection is respectfully solicited.

III. CONCLUSION

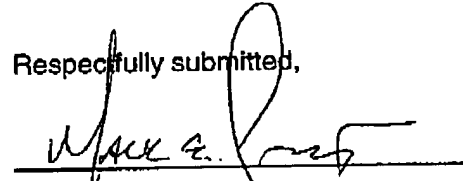
Accordingly, claims 1-12 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark E. Tetreault", is written over a horizontal line.

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